



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Smith, et al.

Serial No.: 10/776,959

Filed: 2/11/2004

Title: SENSOR AND METHOD FOR  
DETECTING A PATIENT'S  
MOVEMENT VIA POSITION AND  
OCCLUSION

Attorney Docket No.: 57609/04-013

Group Art Unit: 2832

Examiner: Unknown

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

Dear Sir:

This Information Disclosure Statement is submitted:

under 37 CFR 1.97(b), or  
(Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)

under 37 CFR 1.97(c) together with either a:  
 Statement under 37 CFR 1.97(e), or  
 a \$180.00 fee under 37 CFR 1.17(p), or  
(After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)

under 37 CFR 1.97(d) together with a:  
 Statement under 37 CFR 1.97(e), and  
 a \$180.00 petition fee set forth in 37 CFR 1.17(p).  
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Applicant(s) submit herewith Form PTO 1449-Information Disclosure Citation. Under the new waiver of the requirement of 37 CFR 1.98 (a)(2)(i), copies of the cited U.S. references are not being supplied with this Information Disclosure Statement and Form 1449.

Applicant submits that the above references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

It is requested that the information disclosed herein be made of record in this application.

Respectfully submitted,



Terry L. Watt  
Attorney/Agent for Applicant(s)  
Reg. No. 42214

Date of Deposit: June 25, 2004

Typed Name: Carol Welch

Signature: Carol Welch

Date: June 25, 2004

Telephone No.: 918/599-0621

266078.1



PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
do not respond to a collection of information unless it displays a valid OMB

Under the Page control number

Substitute for form 1449A/PTO

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

(use as many sheets as necessary) **Examiner Name**

<b>Sheet</b>	<b>1</b>	<b>of</b>	<b>2</b>	<b>Attorney Docket Number</b>	<b>57609/04-013</b>
--------------	----------	-----------	----------	-------------------------------	---------------------

She

1

2

**Complete if Known**

Application Number	10/776,959
Filing Date	02/11/2004
First Named Inventor	SMITH
Art Unit	2832
Examiner Name	
Attorney Docket Number	57609-04-013

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>†</sup>	Document Number	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code* (if known)	MM-DD-YYYY		
AA	US-4,179,692		12/18/1979	Vance	
BB	US-4,295,133		10/13/1981	Vance	
CC	US-4,484,043		11/20/1984	Musick, et al.	
DD	US-4,565,910		1/21/1986	Musick, et al.	
EE	US-4,700,180		10/13/1987	Vance	
FF	US-DES 361,482		8/22/1995	Newham	
GG	US-5,554,835		9/10/1996	Newham	
HH	US-5,600,103		2/4/1997	Newham	
II	US-5,823,760		4/29/1997	Newham	
JJ	US-5,833,627		5/27/1997	Newham	
KK	US-5,840,145		6/17/1997	Newham	
LL	US-5,854,894		8/5/1997	Newham	
MM	US-5,945,914		8/31/1999	Holmes, et al.	
NN	US-6,065,727		5/23/2000	Fitzgerald et al.	
OO	US-6,111,509		8/29/2000	Holmes	
PP	US-6,292,102		9/18/2001	Smith	
QQ	US-6,307,476		10/23/2001	Smith, et al.	
RR	US-6,417,777		7/9/2002	Fitzgerald, et al.	
SS	US-6,441,742		8/27/2002	Lovely, et al.	
TT	US-6,544,200		4/8/2003	Smith, et al.	
UU	US-6,646,556		11/11/2003	Smith, et al.	
VV	US-6,696,653		2/24/2004	Smith, et al.	

## FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.  
\*Applicant's unique citation designation number (optional).<sup>3</sup> See [Kinds Codes of USPTO Patent Documents at www.uspto.gov](http://www.uspto.gov) or MPEP 901.04.<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).<sup>4</sup> For Japanese patent documents, the indication of the year of the registration by the Emperor must precede the serial number of the patent document.<sup>5</sup> Kind of document by the appropriate symbol as indicated in the document under WIPO Standard ST.16 if possible.<sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.  
Burden of Proof Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



PTO/SB/08B (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
is required to respond to a collection of information unless it displays a valid OMB

Under the Paper  
control number

Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary.)

Substitute for form 1449B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				<b>Application Number</b>	10/776,959
				<b>Filing Date</b>	02/11/2004
				<b>First Named Inventor</b>	SMITH
				<b>Group Art Unit</b>	2832
				<b>Examiner Name</b>	
(use as many sheets as necessary)					
<b>Sheet</b>	2	<b>of</b>	2	<b>Attorney Docket Number</b>	57609-04-013

#### OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

**\*EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS.  
26070.1